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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,716	02/27/2004	Murray L. Neal	002209.P010	6779

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EXAMINER

A, PHI DIEU TRAN

ART UNIT	PAPER NUMBER
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3633

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/788,716	Applicant(s) NEAL, MURRAY L.	
	Examiner PHI D. A	Art Unit 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 2-5 and 12-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Montrouil (4115964).

Montrouil (figure 8) shows a window framing system comprising a plurality of pieces that are structural components of a primary frame, the pieces being preformed and to be assembled so as to build the frame at a job site, the pieces including a sub-frame (50) and a base (24), the sub-frame having a corner to receive the glazing unit, the base to be assembled with the sub-frame so as to secure the unit in the corner, the frame and the base is essentially made of a continuous piece of extruded aluminum.

2. Claims 6-7, 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Montrouil (4115964).

Montrouil (figure 2) shows a window framing system comprising a plurality of pieces that are structural components of a primary frame, the pieces being preformed and to be assembled so as to build the frame at a job site, the pieces including a sub-frame (4, 95) and a base (24), the sub-frame having a corner to receive the glazing unit, the base to be assembled with the sub-frame so as to secure the unit in the corner, the sub-frame has an elongated portion with an L-shaped cross section that defines said corner, the L-shaped cross section having a first segment in which there are a first plurality of holes (where part 10 is) through which the sub-

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frame is to be secured to one of a head, jamb, and sill at the job site, a second segment with a cavity (figure 2, the cavity at the top of part 7) therein that runs lengthwise through a substantial part of the elongated portion, the sub-frame having a plurality of screw holes formed lengthwise in the first segment, each of the screw holes (where part 20 is) communicates with an opening that allows material which has been cut, due to a screw being driven in the hole, to exit so as not to fill up the hole (the openings to the left of 43 provides the opening), the first segment of the sub-frame has a second plurality of holes formed laterally in the first segment and through which the sub-frame is to be secured to one of the head, jamb , and sill at the job site by means of a plurality of anchor fasteners (the holes where part 10 is), some of the second plurality of holes (where part 10 is) line up directly behind the glazing unit that is installed in the corner, and some others of the plurality of holes (where part 20 is) line up directly behind corresponding holes in the base through which anchor fasteners are to be passed for securing the sub-frame to one of the head, jamb and sill at the job site.

3. Claims 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Koike et al (5746032).

Koike et al (figure 2) shows a window framing system comprising a plurality of pieces that are structural components of a primary frame, the pieces being preformed and to be assembled so as to build the frame at a job site, the pieces including a sub-frame (22,8) and a base (21), the sub-frame having a corner to receive the glazing unit, the base to be assembled with the sub-frame so as to secure the unit in the corner, the sub-frame having an elongated portion with an L-shaped cross section that defines the corner, the L-shaped cross section having a first segment in which there are a first plurality of holes (figure 2, the holes in the middle at the

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bottom) through which the sub-frame is to be secured to one of a head, jamb, and sill at the site, a second segment with a cavity (the space to the left of where 22 is, figure 2) therein that runs lengthwise through a substantial part of the elongated portion, the sub-frame having a plurality of screw holes (where screws 24) formed lengthwise in the first segment, each of the screw holes communicates with an opening that allows material which has been cut, due to a screw being driven in the hole, to exit so as not to fill up the hole (the spanning space where 24a is in figure 4), the base having an elongated portion with an L-shaped cross section whose first segment (23, 70) lies against the glazing in the corner and whose second segment (21a, figure 4) is to be segment to the sub-frame, the first and second segments lead into a fillet having a chamber at its corner (figure 4, the chamfer between the part 21a and the first part 23 at the area a little bit atop to the right of part 24).

Response to Arguments

4. Applicant's arguments with respect to claims 1, 6-11 have been considered but are moot in view of the new ground(s) of rejection.

With respect to Montrouil and applicant's remark that Montrouil does not show " the pieces being preformed and to be assembled so as to build the frame at a job site", examiner would like to point out that Montrouil shows preformed structures which are to be assembled together. The claim is to a "window frame system", not a method for assembling the window system. As Montrouil shows the claimed structures and able to function as claimed, it meets the 102 requirement for rejecting claimed limitations. The limitation of " so as to build the frame at a job site" is given little patentable weight as claims 1, 6-11 are product claims, not method claims. With respect to Figure 2, and claims 7, 10, examiner would like to point out that

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Montrouil shows some of the second plurality of holes line up directly behind the glazing unit that is installed in the corners (as set forth above) and some others of the second plurality of holes line directly behind corresponding holes in the base through which anchor fasteners are to be passed for securing the sub-frame to the head, jamb, or sill at the job site (the holes where part 20 go through). The fittings and fasteners (10, 20) are arranged at pre-selected intervals along the length of the framing member, which also means there are a plurality of fittings and fasteners and they are along the length of the framing member. the holes where the fasteners (20) go through are used to attach the sub-frame and the base to the jamb per its securing of part 46 therebetween. Part 46 assists part 43 and part 21 to be indirectly attached to the jamb. The argument is thus moot.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different window frame assembly.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Phi D A/
Examiner, Art Unit 3633

Phi Dieu Tran A

3/15/0828/03/08